

The opinion in support of the decision being entered today  
(1) was not written for publication in a law journal and  
(2) is not binding precedent of the Board.

Paper No. 23

UNITED STATES PATENT AND TRADEMARK OFFICE

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BEFORE THE BOARD OF PATENT APPEALS  
AND INTERFERENCES

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Ex parte AKIO OMIYA

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Appeal No. 1998-2965  
Application No. 08/589,156

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ON BRIEF

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Before KRASS, JERRY SMITH and BARRETT, Administrative Patent Judges.

KRASS, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on appeal from the final rejection of claims 1-4, all of the claims pending in the application.

The invention is directed to a photographic camera in which part of the battery chamber is formed integrally with the fixed lens barrel in order to reduce camera size and manufacturing costs.

Independent claim 1 is reproduced as follows:

1. A photographic camera comprising a taking lens system supported in a camera body by a lens barrel, film chambers, and a battery chamber which accommodates a battery and is formed adjacent to the lens barrel, the battery chamber being located outside of the film chambers, the camera characterized in that

at least part of the wall defining the battery chamber is formed integrally with the lens barrel so that said part of the wall also comprises a portion of the lens barrel.

The examiner relies on the following references:

Takagai	5,381,200	Jan. 10, 1995 (filed May 17, 1993)
Katayama et al. (Katayama)	5,515,135	May 07, 1996 (effective filing date of at least Jun. 18, 1991)

Claims 1 and 4 stand rejected under 35 U.S.C. § 102(e) as anticipated by Takagai.

Claims 2 and 3 stand rejected under 35 U.S.C. § 103 as unpatentable over Takagai in view of Katayama.

Reference is made to the briefs and answer for the respective positions of appellant and the examiner.

#### OPINION

At the outset, we note that, in accordance with appellant's grouping of the claims at page 4 of the principal brief, all claims will stand or fall together. Accordingly, we concentrate on the subject matter of claim 1.

It is the examiner's position that Takagai anticipates the subject matter of instant claim 1. More particularly, the examiner contends that the claim limitation "at least part of

the wall defining the battery chamber is formed integrally with the lens barrel...” is found at Figure 4 of the reference. The examiner contends that the lens hood 8 of Takagai is part of the lens barrel which supports the lens system and that since the lens hood extends to the bottom of the camera and under the battery compartment, forming a wall of that compartment, the claim language is met.

Appellant argues that the lens hood 8 is not part of the lens barrel at all and does not act in any way to support the lens system. In fact, states appellant, “Takagai does not have a battery chamber that is integral with a lens barrel” because “the battery is installed in a part of the camera that is entirely separate from the part that houses the lens system” [principal brief-page 5]. Accordingly, in appellant’s view, the cited claim limitation is not met by Takagai.

We agree with appellant. Clearly, in Takagai, the lens system is supported by lens holder 50 [column 6, lines 35-36]. Thus, this lens holder 50 would be equivalent to the recited “lens barrel” in the instant claim. That being the case, nothing in Takagai discloses or even suggests that at least part of the wall defining the battery chamber [the chamber holding battery 24 in Figure 4] in Takagai is formed integrally with the lens holder 50.

While part of the camera wall in Takagai which extends from the lens hood 8 does form part of the battery chamber wall, it is our view that the examiner’s interpretation that the lens hood may be considered as a lens barrel supporting the lens system in a camera body is unreasonable. Lens hood 8 of Takagai is not a “lens barrel”

and those skilled in the art would have recognized that the hood is not a lens barrel since a "lens barrel" is typically a cylindrically shaped element which houses the taking lens system and permits the lens system to move therein. Clearly, the hood 8 of Takagai is not a cylindrical body, or a "barrel," which houses or supports the taking lens system.

The rejection of claim 1 under 35 U.S.C. § 102(e) is not sustained. Therefore, claim 4 will stand with independent claim 1. Further, since Katayama does not provide for the deficiency of Takagai, we also will not sustain the rejection of claims 2 and 3 under 35 U.S.C. § 103.

Accordingly, the examiner's decision is reversed.

REVERSED

ERROL A. KRASS	)	
Administrative Patent Judge	)	
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	)	
	)	BOARD OF PATENT
JERRY SMITH	)	APPEALS AND
Administrative Patent Judge	)	INTERFERENCES
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	)	
LEE E. BARRETT	)	
Administrative Patent Judge	)	

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